

Appn. Number 10/710,782 (Freitas) GAU 2837 Amnt. A contd. 15 of 18

REMARKS--General

By the above amendment, the applicant has amended the title, specification, and all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

The Objections to the Oath/Declaration

The applicant has filled out USPTO form PTO/SB/01 and will file the newly completed oath separately from this amendment. The new oath will be submitted to the USPTO within one week of the filing of this amendment, and appropriate fees will be paid.

The Claims Rejections Under § 112

Claims 1-4, 6, 9, 10, 13, and 18 contained the phrase "such as" and were considered indefinite by the Examiner for that reason. The new claims included in this amendment do not contain that phrase.

The Claims Rejections Under § 102

Claims 1-3 and 5-8 were rejected by the Examiner as being anticipated by Green (U.S. Pat. No. 3509264). The claims in this amendment have been written to patentably define the invention over that of Green. The invention

Appn. Number 10/710,782 (Freitas) GAU 2837 Amnt. A contd. 16 of 18

of Green relies upon a magnetic circuit element, a magnetic pickup, for signal generation. Green does not teach the use of an air gapped parallel plate variable capacitor, or any other non-magnetic circuit element, for signal generation. The applicant's invention uses a non-magnetic circuit element for signal generation, and is thus patentably different from the invention of Green.

The Claims Rejections Under § 103

Claim 4 was rejected by the Examiner as being unpatentable over Green (U.S. Pat. No. 3509264) in view of Suenaga (U.S. Pat. No. 6784352). Claims 9-18 were rejected by the Examiner as being unpatentable over Green (U.S. Pat. No. 3509264) in view of Ebihara (U.S. Pat. No. 3956959). The applicant submits that the rewritten claims should address these objections adequately. As was discussed earlier in this amendment, Green teaches use of a magnetic pickups for signal generation, not air gapped parallel plate variable capacitors. The invention is not obvious from the teachings of Green. The new claims have been written to better differentiate the invention from the teachings of Green. Furthermore, the scope of the invention has been narrowed from an entire instrument to an electric transducer to be embedded within an instrument. The applicant submits that a conflict no longer exists with Suenaga or Ebihara.

Appn. Number 10/710,782 (Freitas) GAU 2837 Amnt. A contd. 17 of 18

Prior Art References

Prior art made of record in the office action include Mori et al. (U.S. Pat. No. 5633473, "Electronic musical instrument"), Bozzio (U.S. Pat. No. 4700602, "Electronic drum"), and Yoshino (U.S. Pub. No. 20040118269, "Electronic percussion instrument and vibration detection apparatus"). The applicant has reviewed the above prior art references, and submits that none of them show the invention or renders it obvious.

CONCLUSION

For all the above reasons, the applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore he submits that this application is now in condition for allowance, which action he respectfully solicits.

Conditional Request for Constructive Assistance

The applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason, this application is not believed to be in full condition for allowance, the applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.R.P. § 2170.02 and § 707.07(j) in order that the undersigned can place this application in

BEST AVAILABLE COPY

Appn. Number 10/710,782 (Freitas) GAU 2837 Amnt. A contd. 18 of 18

allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,

Paul Freitas

Paul Freitas

Applicant Pro Se

942 Pellegrini Street

Santa Cruz, CA 95062

(831) 479-3351

Certificate of Facsimile Transmission. I certify that on the date below I will fax this paper (including Appendix) to GAU 2872 of the U.S. Patent and Trademark Office at (571) 273-8300.

09/29/2005

Paul Freitas

Paul Freitas